

SPECIAL TOWN MEETING

October 18, 2004

At a legal meeting of the inhabitants of the Town of Westford, qualified by law to vote in Town affairs, held at the Abbot School on Monday, October 18, 2004, called to commence at 7:30 pm, the following business was transacted:

Election officers, using voting lists, acted as tellers at the doors. Two hundred four voters were in attendance as the meeting began.

Ellen Harde, Town Moderator, declared that a quorum was present and called the meeting to order at 7:45 pm.

It was voted unanimously to allow Town employees and consultants who are not residents to address this meeting.

ARTICLE 1. Resolution on Patriot Act: Reaffirm Civil Liberties

It was VOTED that the Town adopt the following resolution:

WHEREAS:

The elected Trustees of the J. V. Fletcher Library, are instructed by their By-Laws (1990) to establish and implement policy that requires them to protect “free expression and free access to ideas,” and proclaim that “the freedom to read is guaranteed by the Constitution;”

The voters of Westford hereby reaffirm the fundamental and inalienable civil liberties secured by the Constitution of the Commonwealth of Massachusetts and the U.S. Constitution for all people, including the rights to freedom of speech, freedom of assembly, freedom from unreasonable searches and seizures, and due process of law;

Provisions of the USA PATRIOT Act (“the Act”) and associated federal executive orders are assaults on these long-cherished civil liberties; and

As a great Massachusetts-born patriot, Benjamin Franklin, so well stated, “They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”

Accordingly:

We strongly protest those provisions (Sect. 215/218) in the Act of Congress called “The Patriot Act” (Oct. 25, 2001) which permit the Federal Government to seize and inspect the library’s records of materials our patrons have borrowed and of internet websites they have consulted. Especially as *no patron may be informed of an investigation of his/her borrowing or internet records*, the chilling effect of this Act is all the more destructive of free access to our library’s resources.

The First Amendment to the U.S. Constitution states that “Congress shall make no law...abridging the freedom of speech, or of the press...” The Supreme Court has ruled (381 U.S. 301, 1965) that this precious Amendment protects the right of access to what the press publishes, no less than it protects the right to publish. In Justice Brennan’s words: “It would be a barren marketplace of ideas that had only sellers and no buyers.”

A climate of fear has no place in a public library.

Selectmen Recommend Approval

ARTICLE 2. FY 2005 Budget Adjustments

It was VOTED unanimously that the Town raise and appropriate the sum of TWO HUNDRED FIFTY-SEVEN THOUSAND ONE HUNDRED AND NINETY DOLLARS (\$257,190.00) DOLLARS in order to supplement the following Fiscal Year 2005 Operating Budgets:

Department 305 Westford Public Schools	250,000.00
Department 610 Library, Expenses	7,190.00

And further that the Town appropriate from Ambulance Enterprise Free Cash the sum of FIVE THOUSAND FOUR HUNDRED SEVENTY ONE (\$5,471.00) DOLLARS in order to supplement the following Fiscal Year 2005 Operating Budget:

Department 230 Ambulance Enterprise Fund,
Personal Services

Selectmen Recommend Approval
Finance Committee Recommends Approval

ARTICLE 3: Compensation Plan Amendment

It was VOTED That the Town amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2004 as follows:

ARTICLE 3	Position	COMPENSATION PLAN AMENDMENT				Majority Vote Required			
		Current	Min	Mid	Max	New Band	Min	Mid	Max
	Assistant Recreation Director	Band 2	\$34,080	\$40,708	\$48,754	Band 3	\$38,171	\$45,592	\$54,604
	Chief Animal Control Officer	Band 2	\$34,080	\$40,708	\$48,754	Band 3	\$38,171	\$45,592	\$54,604
	Town Planner	Band 3	\$38,171	\$45,592	\$54,604	Band 4	\$42,750	\$51,062	\$61,157
	Building Commissioner	Band 4	\$42,750	\$51,062	\$61,157	Band 5	\$47,881	\$57,191	\$68,496
	Director of Elder Services	Band 4	\$42,750	\$51,062	\$61,157	Band 5	\$47,881	\$57,191	\$68,496
	Operations Admin/ Highway Dept	Band 4	\$42,750	\$51,062	\$61,157	Band 5	\$47,881	\$57,191	\$68,496
	Director of Roudenbush Comm Center	Band 4	\$42,750	\$51,062	\$61,157	Band 6	\$52,189	\$62,337	\$74,659

Director of Health Care Services	Band 5	\$47,881	\$57,191	\$68,496	Band 6	\$52,189	\$62,337	\$74,659
Director of Environmental Services	Band 5	\$47,881	\$57,191	\$68,496	Band 6	\$52,189	\$62,337	\$74,659
Town Engineer	Band 5	\$47,881	\$57,191	\$68,496	Band 7	\$56,887	\$67,949	\$81,380
Water Treatment Manager	Band 5	\$47,881	\$57,191	\$68,496	Band 6	\$52,189	\$62,337	\$74,659
Director of Library	Band 6	\$52,189	\$62,337	\$74,659	Band 7	\$56,887	\$67,949	\$81,380
Highway Superintendent	Band 6	\$52,189	\$62,337	\$74,659	Band 7	\$56,887	\$67,949	\$81,380
Water Superintendent	Band 6	\$52,189	\$62,337	\$74,659	Band 7	\$56,887	\$67,949	\$81,380
Director of Technology	Band 6	\$52,189	\$62,337	\$74,659	Band 7	\$56,887	\$67,949	\$81,380
Director of Human Resources	Band 6	\$52,189	\$62,337	\$74,659	Band 7	\$56,887	\$67,949	\$81,380
Assistant Town Manager	Band 7	\$56,887	\$67,949	\$81,380	Band 8	\$62,007	\$74,063	\$88,704
Benefits Coordinator	Band 4	\$42,750	\$51,062	\$61,157	Band 3	\$38,171	\$45,592	\$54,604
Assistant Tax Collector	Band 2	\$37,080	\$40,708	\$48,754	Band 1			*When vacant

Change Position Title and Band for:

Environmental Analyst to Compliance Manager/Water dept	Band 3	\$38,171	\$45,592	\$54,604				
					Band 4	\$42,750	\$51,062	\$61,157
Park and Recreation Director to Dir of Park, Recreation & Cemetery	Band 4	\$42,750	\$51,062	\$61,157				
					Band 6	\$52,189	\$62,337	\$74,659

Create The Following New Positions

Veterans Services Officer					Band 3	\$38,171	\$45,592	\$54,604
Project Inspector/GIS Technician					Band 3	\$38,171	\$45,592	\$54,604
Planner - Zoning/Housing					Band 4	\$42,750	\$51,062	\$61,157

Change Position Name:

Conservation Coordinator to Conservation/Resource
Planner

(No Band Change)

Selectmen Recommend Approval
Finance Committee Recommends Approval

ARTICLE 4. FY 2005 Budget Transfers

It was VOTED unanimously that the Town transfer the sum of TWENTY THOUSAND THREE HUNDRED DOLLARS (\$20,300.00) from and to the following Fiscal 2005 account in the following amount:

\$20,300 from 540 Senior Center, Expenses to 540 Senior Center, Personal
Services

Selectmen Recommend Approval
Finance Committee Recommends Approval

ARTICLE 5. Community Preservation Funds Appropriation

It was VOTED unanimously that the Town vote pursuant to MASSACHUSETTS GENERAL LAWS Chapter 44B, in accordance with the recommendations of the Westford Community Preservation Committee, to appropriate from Community Preservation funds the sum of SIX

HUNDRED AND FOUR THOUSAND TWO HUNDRED AND SIXTY-SIX DOLLARS
(\$604,266.00) or some other sum, as follows:

\$190,000.00	To assist the Conservation Commission in the facilitation of and the actual purchase of land.	Conservation Commission
\$ 11,422.00	To fund the balance reserved for Open Space.	Open Space Reserve
\$100,000.00	For the conversion of existing homes to special needs housing.	Affordable Housing Committee
\$101,422.00	To fund the balance reserved for Community Housing.	Community Housing Reserve
\$ 19,380.00	To restore the J.V. Fletcher Library façade.	Board of Library Trustees
\$182,042.00	To fund the balance reserved for Historic Resources.	Historic Resources Reserve

Selectmen Recommend Approval
Finance Committee Recommends Approval

ARTICLE 6. Chapter 90 Appropriations

It was VOTED unanimously that the Town appropriate the sum of FIVE HUNDRED AND TWENTY ONE THOUSAND SIX HUNDRED SIX (\$521,606.00) DOLLARS from the proceeds due the Town under the provisions of Chapter 90 for Highway purposes.

Selectmen Recommend Approval
Finance Committee Recommends Approval

ARTICLE 7. Howard Road and Forge Village 1 Wellfields

It was VOTED unanimously that the Town appropriate the sum of FIVE HUNDRED AND TWENTY FIVE THOUSAND (\$525,000.00) DOLLARS from Water Enterprise Free Cash for the purpose of upgrading the Howard Road and Forge Village I Wellfields to maximize capacity and efficiency.

Selectmen Recommend Approval
Finance Committee Recommends Approval

ARTICLE 8: Establishment of Massachusetts General Laws C. 44 Sec 53E 1/2 Revolving Fund for Westford Partnership for Children

It was VOTED unanimously that the Town, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, establish a revolving fund for the following department for the specific purpose outlined below for the fiscal year beginning July 1, 2004 and ending June 30, 2005:

Westford Partnership for Children

Fees received for programs sponsored by the Westford Partnership for Children shall be credited to the fund and expended for the purpose of program materials, supplies, administration, staffing, and facility use; said expenditures to be approved by the Town Manager and not to exceed FOUR HUNDRED THOUSAND (\$400,000.00) DOLLARS during fiscal year 2005.

*Selectmen Recommend Approval
Finance Committee Recommends Approval*

ARTICLE 9. Land Acquisition, Tzikopoulos Property, Tyngsboro Road

It was VOTED by a majority to DISMISS this article.

ARTICLE 10. Capital Requests

A MOTION was duly made and seconded and it was AMENDED to designate the Selectmen to oversee expenditure of the capital funds for the Senior Center. It was then VOTED by a two-thirds majority that the Town appropriate from Stabilization Fund the sum of FOUR HUNDRED SIXTY-ONE THOUSAND (\$461,000.00) DOLLARS to provide for the capital requests of the following Town departments in the following amounts:

Town Manager	\$ 50,000
Planning Board	50,000
GIS	175,000
Senior Center*	50,000
Abbot School Sewer Design	50,000
Water Quality/Perchlorate Study	55,000
Water Line Installation on Emily Way	31,000

**Board of Selectmen to oversee expenditure of the capital funds for the Senior Center.*

*Selectmen Recommend Approval
Finance Committee Recommends Approval*

ARTICLE 11. Rescind Annual Town Meeting 2004 Abbot Playground Vote

It was VOTED unanimously that the Town rescind the action taken under Article 12 at the Annual Town Meeting of May 8, 2004

*Selectmen Recommend Approval
Finance Committee Recommends Approval*

ARTICLE 12. Reduce Amount Raised By Taxes in FY 05

A MOTION was duly made and seconded and it was AMENDED to include \$1,262,544 from free cash. It was then VOTED unanimously that the Town direct the Assessors to take the following available funds to reduce the net amount to be raised for Fiscal Year 2005:

\$78,000.00	From Ambulance Revenue
\$ 747,393.35	From Fund Balance Designated for Debt Service
\$641,887.00	From Fund Balance Designated for Debt Exclusion Reduction
\$1,262,544.00	From Free Cash

*Selectmen Recommend Approval
Finance Committee Recommends Approval*

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Town Meeting paused to remember Bill Coakley, for all he did as a member of the Housing Authority and Veronica Whitehouse who was a Library Trustee for many years and leaves a gap in the many groups she was involved in. Both died earlier in the year.

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ARTICLE 13. Zoning Board of Appeals Members

It was VOTED UNANIMOUSLY to take no action under Article 13 because a public hearing was not held on the matter.

ARTICLE 14. Resolution on Comprehensive Permit Guidelines

It was VOTED that the Town adopt the following resolution:

“The Town of Westford accepts and endorses the development guidelines prepared by the 40B Performance Standards Committee for comprehensive permits seeking approval in Westford, a copy of which was filed with the Town Clerk on Oct. 4, 2004”.

*Selectmen Recommend Approval
Finance Committee Recommends Approval*

It was VOTED to discuss Articles 15 – 18 simultaneously.

A lengthy discussion ensued and it was VOTED to amend Article 16.

The presence of a quorum was questioned at 10:20 pm.

The Moderator determined that a 200 voter quorum was not present and it was VOTED to adjourn the Meeting to a time certain on Tuesday, October 26th at 7:30 pm.

On October 26th when the quorum could not be obtained with 173 voters present at 7:50pm, it was VOTED to adjourn Town Meeting and no action will be taken on the remaining articles.

A true copy attest,

Kaari Mai Tari
Town Clerk